

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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KATHLEEN TOUART, :  
Plaintiff, : CASE NO. 1:12-CV-00733  
vs. :  
COMMISSIONER OF SOCIAL : OPINION & ORDER  
SECURITY ADMINISTRATION, : [Resolving Docs. [1](#), [13](#), [14](#)]  
Defendant. :  
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JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On March 27, 2012, Plaintiff Kathleen Touart filed a complaint seeking judicial review of the Defendant Commissioner of Social Security's decision to deny her benefits.<sup>1/</sup> The matter was referred to Magistrate Judge Kathleen B. Burke under Local Rule 72.2. On May 6, 2013, Magistrate Judge Burke issued a Report and Recommendation that recommended this Court affirm the Commissioner's decision.<sup>2/</sup>

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection.<sup>3/</sup> Parties must file any objections to a Report and Recommendation within fourteen days of service.<sup>4/</sup> Failure to object within this time waives a party's right to appeal the district court's judgment.<sup>5/</sup> Absent objection, a district court may adopt the magistrate judge's report without review.<sup>6/</sup>

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<sup>1/</sup>Doc. [1](#).

<sup>2/</sup>Doc. [15](#).

<sup>3/</sup>[28 U.S.C. § 636\(b\)\(1\)\(C\)](#).

<sup>4/</sup>[Id.](#); Fed. R. Civ. P. 72(b)(2).

<sup>5/</sup>[Thomas v. Arn](#), 474 U.S. 140, 145 (1985); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981).

<sup>6/</sup>[See Thomas](#), 474 U.S. at 149.

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In this case, neither party has objected to the Report and Recommendation. Moreover, having conducted its own review of the record and the parties' briefs, the Court agrees with the recommendation of Magistrate Judge Burke that the Court affirm the Commissioner's decision.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Burke's Report and Recommendation and incorporates it fully herein by reference, and **DISMISSES** Plaintiff Touart's complaint.

IT IS SO ORDERED.

Dated: May 21, 2013

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE